

## **PLANNING COMMISSION MINUTES**

**February 2, 2010**

**7:00 P.M.**

Present: Chairman Clark Jenkins, Vice-Chairman Tom Smith, Ray Keller, Barbara Holt, Dave Badham, City Council Representative Beth Holbrook, City Attorney Russell Mahan, City Engineer Paul Rowland, Planning Director Aric Jensen, Assistant Planner Dustin Wright, and Recording Secretary Connie Feil.

Absent: Michael Allen.

Clark Jenkins welcomed all those present.

Dave Badham made a motion to approve the minutes for January 19, 2010 as written. Beth Holbrook seconded the motion and voting was unanimous.

**1. PUBLIC HEARING – Consider preliminary and final commercial site plan approval for Techna Glass located at 432 W. 400 N., Eldon Haacke, with Smith/Brubaker/Haacke, applicant.**

Ernie Smith, representing the applicant, was present. Aric Jensen explained that Mr. Smith is requesting preliminary and final site plan approval for a 3,000 sq ft commercial building located at 460 West 400 North. The proposed site plan is part of the Silvercreek Commercial development that was approved approximately a year ago. Most of the infrastructure for this site is either already installed, or the location has been reviewed and approved by the City.

The proposed structure for the site is a single story, automotive repair type structure, with three exterior doors on both the east and west sides of the building. The building is being constructed by Techna Glass for their use as an automotive glass replacement facility.

Staff has identified and addressed two significant issues that the Commission should be aware of. First, the main access road, which circulates through the Silvercreek development, runs through the west side of this property. As it approaches 400 North, it intersects with the driveway coming out of Common Cents, and the two driveways merge and share a common drive approach onto 400 North. As currently configured in the Silvercreek approved site plan, the two drive approaches essentially funnel into one another, which was acceptable based on the layout anticipated in that plan. After reviewing the proposed Techna Glass plan, Staff feels that a more traditional 90 degree intersection between the Common Cents driveway and the Silvercreek driveway would be safer. The reasoning is that Techna Glass will circulate vehicles on its site in a clockwise pattern. Vehicles will enter into the doors on the east, and exit from the doors on the west. This creates the potential of blocking vehicles entering off of 400 North, and backing

vehicles up across the sidewalk and into the vehicle travel lanes of 400 North. The proposed driveway configuration, plus an additional 5' building setback (from 20' to 25'), will help to improve this situation. The drive approach relocation will require an approval from UDOT, however, Staff does not believe this to be a major concern since the proposal is to move the existing access an additional 15' away from the 400 North/500 West intersection.

The other significant issue is the location of the future vehicle/pedestrian cross-access point to the east. During the approval process for the Silvercreek development, Staff and the project owners met with John Smith, owner of the adjacent residential property, and owner of the contiguous 5 plus acres occupied by J+L Gardens. It was agreed at that time, and subsequently included as a condition of site plan approval, that two cross-accesses be located on the east side of Silvercreek to connect with Mr. Smith's property at such time that it is developed. Since Mr. Smith has not submitted plans for his development yet, Staff and the applicants have agreed to leave an approximately 75' wide unencumbered space along the east boundary, which will eventually be narrowed down to a minimum 24' wide cross-access point when development of the J&L property occurs.

The final site plan, which includes the most recent redline corrections, is lacking a final landscaping plan, which staff would prefer to review when the building is nearing completion.

Staff recommends preliminary and final commercial site plan approval for the Techna Glass commercial building, with the finding that it meets the criteria of 14-2-304 as discussed in the staff report, and with the following conditions:

1. The landscaping plan and landscaping be completed to the satisfaction of the Planning Director prior to final occupancy approval.
2. The relocation of the drive approach be approved by UDOT and Common Cents (Moyle Petroleum).
3. The driveway cross-access easement be extended and recorded to cover the relocated drive approach.
4. Any additional redline corrections be made prior to building permit approval.

Ernie Smith explained that Techna Glass requires appointments for any glass replacement; the only exception is for rock chip repair. They have two other locations, one in Orem and one in Spanish Fork and the company would like to expand their facilities to Idaho and Colorado.

There was a brief discussion regarding the access to the facility and the location of the drive approach.

Ray Keller made a motion to send to the City Council preliminary and final commercial site plan approval for Techna Glass located at 460 W. 400 N. with the findings that it meets the criteria as

discussed, and with the conditions outlined by Staff. Barbara Holt seconded the motion and voting was unanimous in favor.

**2. PUBLIC HEARING – Consider approving or disapproving a zone map amendment from Residential Foothill (R-F) to Residential Foothill Planned Unit Development (R-F-PDO) located at 1200 E. Highland Oaks Dr., Autumn Wood Development, applicant.**

Clark Jenkins explained to all those present the procedure for a Public Hearing and turned the meeting over to Aric Jensen to discuss the proposal.

Mr. Jensen presented a power point presentation explaining the proposal and Staff's concerns. It was explained that this proposal is completely different than the proposal presented by different developers two years ago. All of the following information was given with the presentation.

Mr. Jensen explained that Staff has met periodically with the representatives from Autumn Wood Development LLC over the last 2 years regarding the development of their property located to the east of the terminus of Highland Oaks Dr. The property is approximately 114 acres in size, and is challenging to develop because almost the entire site is composed of ground with a natural slope of at least 20% slope, and the majority of the property is ground with 30% slope or steeper. As a result, every road, homesite, and driveway within this proposed development will require retaining and/or filling of earth to one degree or another. This issue of cuts, fills, retaining, soil stabilization, revegetation, etc., is one of several issues that the Commission will need to consider while reviewing this proposal.

Another issue is site access and configuration. There are 28 building pads proposed within this development, which is the maximum density currently allowed. Each pad is at least 6,000 sq ft in size, and located on slopes less than 30%. These home sites are accessed by a private road designed sort of like a lasso. The end of the lasso is approximately 600 feet long, as measured from the center of the intersection of Highland Oaks and Mountain Oaks Drives, and the loop is approximately 2000 feet in circumference. There is also a short cul-de-sac leading up to a pad site where an existing water tank is located.

Staff has reviewed the City's ability to provide utility services to this property. In brief, all utilities can be provided to this development, however, there will need to be substantial upgrades to the culinary water facilities in this area. The particulars of this issue will be addressed at preliminary plat approval, assuming that the Council approves this proposal in some form.

In addition to the culinary water issues, there are several storm water issues that will need to be addressed. Again, these issues are more properly discussed in the context of preliminary plat

approval, however, it is important to note that this development will most likely necessitate onsite storm water retaining. Regardless, since these upgrades are the result of the proposed development, the developer will have to cover the majority of these costs.

It is significant to note that this proposal, and any subsequent approval by the City Council, is based on a gross analysis of this site. A more detailed analysis is required for preliminary and final plat review, and so there is the potential that infrastructure could be modified to some degree at that time, and there is the possibility that some pads shown on this proposal may not be accessible, and therefore will have to be adjusted or eliminated. Regardless, the information provided in this proposal is appropriate for the level of review that is required for a rezone, and so the Commission may take action accordingly.

Mr. Jensen explained that due to the complexity of this project, staff recommends that the Commission review this development in at least two different steps. The idea is to use the first meeting as a data gathering and general comment type event, and then to allow a period of time for the applicants to revise their project and for staff to review the project taking into consideration any new information provided at the public hearing. Then at a subsequent meeting, staff would provide an updated report and the Commission could take action or ask the applicants for further refinement. A possible action timetable could be as follows:

#### February 02 meeting

1. Listen to presentation from development team
2. Allow City staff to make comments
3. Hold public hearing (do not close)
4. Give feedback to the development team and City staff
5. Continue the item to allow for additional staff review and comments, and/or for the development team to make modifications as necessary

#### February 16 or subsequent meeting

6. Listen to report from City staff/development team regarding changes
7. Receive additional public comments if appropriate
8. Discuss pertinent issues
9. Decide whether item is ready for action
10. Make motion to recommend approval/denial, or continue item for more discussion.

Pete Gilwald, representing the developers, explained that the developers have redesigned 90% of the property as open space, designed smaller lots, and limited the size of the homes on each lot. The homes will be clustered together using less roads, less cuts and fills and the home owners will buy the pad site for their home. There will be a new and larger water tank and water lines. The homes are designed for each pad and will be an upscale home.

The public hearing was opened for all those with comments and concerns.

A signed petition from several individuals was given to the Planning Commission and entered into the record.

Seventeen individuals were present and the following spoke with comments or concerns:

Victor Orvis, residing at 305 Summerwood Dr.  
Richard Clark, residing at 1184 E. Canyon Creek Dr.  
Misty Larsen, residing at 1292 Canyon Creek Dr.  
Clair Carling, residing at 699 Highland Oaks Dr.  
Blake Parrish, residing at 963 Highland Oaks Dr.  
Michael & Lisa Serio, residing at 4067 S. Mountain Oaks Dr.

Their comments were as follows:

- Want access to open space and trails
- Agree with PUD/clustering of homes
- Pad sites are too small/want larger lots
- Concern with increase of traffic
- Concern with having only one access
- Who pays for the expense for the water tank and repairs for tearing up Indian Springs Rd?
- Concerns with the springs in the area-can the water be diverted?
- Safety issues with traffic driving down Highland Oaks
- Will there be proper water drainage to prevent running onto personal property
- There is a reservation easement on the property-will that be continued?

The Commission and members of the public discussed the comments and concerns. The Commission members also have some of the same concerns and explained that they will be addressed and discussed at the next meeting. The public hearing was continued for Tuesday February 16, 2010 for further discussion.

Beth Holbrook made a motion to continue the public hearing until February 16, 2010. Tom smith seconded the motion and voting was unanimous.

**3. PUBLIC HEARING – Continued from January 19, 2010 – Consider revisions to Title 14 of the Bountiful City Land Use Ordinance.**

Aric Jensen explained that he would like to discuss the undecided issues from the previous meeting. The first topic was allowing the size of property required for a PUD in Bountiful. After a discussion with the Commissioners and the public, the following are some of the comments:

- Property owners do not want houses in their backyards
- A PUD is a “glorified flag lot”
- Two acres is too small for a PUD
- Two acres creates a smaller access which could become a safety issue
- PUD should be at least 4 acres
- A smaller PUD could be allowed in specific areas with approval

The general consensus from the Commission was not to continue allowing any flag lots, and that a Single Family PUD should be no smaller than 4 acres in size.

The issues to allow chickens in a residential area was also discussed with the following comments:

- Could be allowed with a permit
- Could be allowed with a certain size of property
- A majority of the Commission did not want to allow chickens/fowl in any area of Bountiful

Detached accessory building and accessory dwelling units in detached structures:

Mr. Jensen reviewed the changes proposed for detached accessory buildings, the minimum size of lot required for an accessory dwelling, the building requirements for a dwelling, and allowing for a home occupation business in an accessory dwelling.

The general consensus from the Commission was to accept the proposal Mr. Jensen presented with the addition that an accessory dwelling cannot be used as a rental. It was also stated that if the dwelling is used for a Home Occupation all requirements for that license will be enforced.

Mr. Jensen also reviewed the changes that have been made to the definitions regarding buildable area, buildable land, and unbuildable land.

Barbara Holt made a motion to send to the City Council the revisions to Title 14 of the Bountiful City Land Use Ordinance. Tom Smith seconded the motion and voting was unanimous in favor.

Mr. Jensen will make the changes to present to the City Council.

**4. Planning Director's report and miscellaneous business.**

Mr. Jensen explained that the Baptist Church, located at 1900 S. Orchard Dr., has submitted a building permit for an addition to their building. This is a very simple addition but requires that the Planning Commission Chairman review the site plan to determine if it needs to come before the Planning Commission.

Mr. Jenkins stated that he would review the plan and make a determination.

Meeting adjourned at 9:30 p.m.

